

FILED

JUL 19 2017

Robert, Wayne, Running shield sr,
Name and Prisoner/Booking Number

Pennington county jail, (I will be here Till Aug 4/2017.)
Place of Confinement Temporary address.

307 Saint Joseph Street,
Mailing Address

Rapid city, S.D. 57701,
City, State, Zip Code

**UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
Southern DIVISION**

Robert, Wayne, Running shield sr.
(Full Name of Plaintiff)

Case No. 17-4095
(To be supplied by the Clerk)

Plaintiff,

vs.
Michael Hneither, (mayor),
Sioux Falls, police department.

**CIVIL RIGHTS COMPLAINT
BY A PRISONER**

(Full Name of Each Defendant)

- ☒ Original Complaint
☐ First Amended Complaint
☐ Second Amended Complaint

Defendants.

Michael Hneither mayor of Sioux Falls, & Sioux Falls police dept,

A. JURISDICTION

1. This Court has jurisdiction over this action pursuant to:
a. ☐ 28 U.S.C. § 1343(a)(3); 42 U.S.C. § 1983
b. ☒ 28 U.S.C. § 1331; *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971).
c. ☐ Other: (Please specify.) _____

2. Name of Plaintiff: Robert, Wayne, Running shield sr.
Present mailing address: P.O. Box 125, Batesland, S.D. 57716. (Permanent address.)
(Failure to notify the Court of any change of address may result in dismissal of this action.)

Institution/city where violation occurred: Sioux Falls, S.D. minnehaha county.

3. Name of first Defendant: Michael Huebner The first Defendant is employed as:
Mayor at Minnehaha County, Sx. F.I.S.S.D.
 (Position and Title) (Institution)

This Defendant is sued in his/her: ☐ individual capacity ☒ official capacity (check one or both)

Explain how this Defendant was acting under color of law: violating rights

4. Name of second Defendant: Sioux Falls, police dept. The second Defendant is employed as:
Police Officers at Minnehaha County, Sx. F.I.S.S.D.
 (Position and Title) (Institution)

This Defendant is sued in his/her: ☐ individual capacity ☒ official capacity (check one or both)

Explain how this Defendant was acting under color of law: Arresting me and racial profiling me, 197 times consecutively in two years.

5. Name of third Defendant: _____ The third Defendant is employed as:
 _____ at _____
 (Position and Title) (Institution)

This Defendant is sued in his/her: ☐ individual capacity ☐ official capacity (check one or both)

Explain how this Defendant was acting under color of law: _____

6. Name of fourth Defendant: _____ The fourth Defendant is employed as:
 _____ at _____
 (Position and Title) (Institution)

This Defendant is sued in his/her: ☐ individual capacity ☐ official capacity (check one or both)

Explain how this Defendant was acting under color of law: _____

(If you name more than four Defendants, answer the questions listed above for each additional Defendant on a separate page.)

B. PREVIOUS LAWSUITS

- Have you filed any other lawsuits while you were a prisoner? ☐ Yes ☒ No
- If your answer is "yes," how many lawsuits have you filed? _____. Describe the previous lawsuits in the spaces provided below.
- First prior lawsuit:
 - Parties to previous lawsuit: 0
 - Plaintiff: _____

Defendants: _____

b. Court: (If federal court, identify the district; if state court, identify the county.) _____

c. Case or docket number: _____

d. Claims raised: _____

e. Disposition: (For example: Was the case dismissed? Was it appealed? Is it still pending?) _____

f. Approximate date lawsuit was filed: _____

g. Approximate date of disposition: _____

4. Second prior lawsuit:

a. Parties to previous lawsuit:

Plaintiff: _____

Defendants: _____

b. Court: (If federal court, identify the district; if state court, identify the county.) _____

c. Case or docket number: _____

d. Claims raised: _____

e. Disposition: (For example: Was the case dismissed? Was it appealed? Is it still pending?) _____

f. Approximate date lawsuit was filed: _____

g. Approximate date of disposition: _____

5. Third prior lawsuit:

a. Parties to previous lawsuit:

Plaintiff: _____

Defendants: _____

b. Court: (If federal court, identify the district; if state court, identify the county.) _____

c. Case or docket number: _____

d. Claims raised: _____

e. Disposition: (For example: Was the case dismissed? Was it appealed? Is it still pending?) _____

f. Approximate date lawsuit was filed: _____

g. Approximate date of disposition: _____

(If you filed more than three lawsuits, answer the questions listed above for each additional lawsuit on a separate page.)

C. CAUSE OF ACTION

COUNT I

1. The following constitutional or other federal right has been violated by the Defendant(s): Miranda warning and Racial profiling.

2. Count I involves: (Check **only one**; if your claim involves more than one issue, each issued should be stated in a different count)

<input type="checkbox"/> Medical care	<input type="checkbox"/> Access to the court	<input type="checkbox"/> Mail
<input type="checkbox"/> Disciplinary proceedings	<input type="checkbox"/> Retaliation	<input type="checkbox"/> Exercise of religion
<input checked="" type="checkbox"/> Excessive force by an officer	<input type="checkbox"/> Threat to safety	<input type="checkbox"/> Property
<input type="checkbox"/> Other: _____		

3. **Supporting Facts:** (State as briefly as possible the FACTS supporting Count I. Describe exactly what each Defendant did or did not do to violate your rights. State the facts clearly in your own words without citing legal authority or arguments).

Had no regard for any of my personal rights.

4. **Injury:** (State how you have been injured by the actions or inactions of the Defendant(s)).

Extreme mental anguish, and physical cruelty by being arrested and jailed 192 times in the span of two years.

5. **Administrative Remedies:**

a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☐ Yes ☒ No

b. Did you submit a request for administrative relief on Count I? ☐ Yes ☒ No

c. Did you appeal your request for relief on Count I to the highest level? ☐ Yes ☒ No

d. If you did not submit or appeal a request for administrative relief to the highest level, briefly explain why you did not. I am indigent @ present and in custody.

COUNT II

1. The following constitutional or other federal right has been violated by the Defendant(s):
Miranda warning and Racial profiling.

2. Count II involves: (Check **only one**; if your claim involves more than one issue, each issued should be stated in a different count)

<input type="checkbox"/> Medical care	<input type="checkbox"/> Access to the court	<input type="checkbox"/> Mail
<input type="checkbox"/> Disciplinary proceedings	<input type="checkbox"/> Retaliation	<input type="checkbox"/> Exercise of religion
<input checked="" type="checkbox"/> Excessive force by an officer	<input type="checkbox"/> Threat to safety	<input type="checkbox"/> Property
<input type="checkbox"/> Other: _____		

3. **Supporting Facts:** (State as briefly as possible the FACTS supporting Count II. Describe exactly what each Defendant did or did not do to violate your rights. State the facts clearly in your own words without citing legal authority or arguments).

In a Two year time frame, I was harrassed constantly and arrested, jailed, and inconvenienced where I lost employment etc.

4. **Injury:** (State how you have been injured by the actions or inactions of the Defendant(s)).

I lost the ability to support myself financially by being arrested and jailed which led to loss of employment time and time again, and I now owe fines, court costs, Also I suffer extreme mental anguish @ present.

5. **Administrative Remedies:**

- Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☒ Yes ☐ No
- Did you submit a request for administrative relief on Count II? ☐ Yes ☒ No
- Did you appeal your request for relief on Count II to the highest level? ☐ Yes ☒ No
- If you did not submit or appeal a request for administrative relief to the highest level, briefly explain why you did not. I am indignant and @ present jailed,

D. REQUEST FOR RELIEF

State briefly what you want the Court to do for you.

Monetary damages in the amount \$250,000

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 15/2017
DATE

Robert W. Running Shield Sr.
SIGNATURE OF PLAINTIFF

(Name and title of paralegal, legal assistant, or
other person who helped prepare this complaint)

(Signature of attorney, if any)

(Attorney's address & telephone number)

ADDITIONAL PAGES

All questions must be answered concisely in the proper space on the form. If needed, you may attach additional pages. The form, however, must be completely filled in to the extent applicable.